

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 CIVIL APPLICATION NO.2803 OF 2021

IN

WP/5059/2019

PRASHANT FULCHAND MAGAR

VERSUS

UNION OF INDIA THROUGH SECRETARY AND OTHERS

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Advocate for Applicant: Mr. Patil Swapnil S.

Advocate for Non-applicants: Mr. M. N. Navandar

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902 CIVIL APPLICATION NO.2805 OF 2021

IN

WP/5060/2019

RAM NARAYAN YADAV

VERSUS

UNION OF INDIA THROUGH SECRETARY AND OTHERS

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Advocate for Applicant: Mr. Patil Swapnil S.

Advocate for Non-applicants: Mr. M. N. Navandar

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**CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.**

DATE: 12th MARCH, 2021

PER COURT:

1. The applicants seek extension of the order staying the departmental enquiry.

2. We had directed the departmental enquiry to be stayed for a period of 1 year on the ground that criminal case on the basis of the same charges is pending. Thereafter, we extended the period by six (06) months more considering the

situation. The same request is made again. According to the learned Counsel for the applicants, 18 witnesses have been examined in the criminal case.

3. Be that as it may, we had stayed the departmental enquiry pending the criminal trial for 1 year on the basis of the judgment of the Apex Court in case of *G. M. Tank Vs. State of Gujarat and others* reported in *2006 (5) SCC 446*, wherein the departmental enquiry was stayed for 1 year.

4. Considering the pandemic situation we had extended the period by 6 months more.

5. Now, for the same reason, we are not inclined to entertain the present civil applications, however, the J.M.F.C., where the criminal case is pending, may endeavour to decide the criminal case expeditiously.

6. Civil Applications are disposed of.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

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